IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3025 of 1997

Between:

Nawab Miyan (Abdul Nabi) S/o. Gore Miyan
R/o. Goverdhanagiri village, Raghunathapalli Mandal,
Warangal District.

..... PETITIONER

AND

1. A.P.State Wakf Board,

Hyderabad, rep., by its Chief Executive Officer,

Razack Manzil, Public Garden Road, Hyderabad.

2 The Secretary of Minority Welfare,

Government of A.P.,
Secretariat, Hyderabad.

3 The Chief Secretary, Government of A.P.,
Secretariat, Hyderabad.

4 Mohammed Hameed Ali S/o. Mohammed Gouse
Ganglagadda, Ganeshwada, Jangaon Mandal,
Jangaon, Warangal District.

5 Mohammed Yakub S/o. Mohd. Saheb Ali
Ganeshwada, Jangaon Mandal,
Jangaon, Warangal District.

6 Mohd. Akbar S/o. Mohd Vazeer
R/o. Jami Masjid Jangaon, Mandal Jangaon,
Warangal District.

7 Mohd. Abbas Ali S/o. Mohd. Yakub Ali
R/o. Goverdhanagiri village, Raghunathapalli Mandal,
Warangal District .

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order of direction more particularly one in the nature of Writ of Mandamus declaring the self styled committee of respondent Nos. 4 to 6 and their action in any manner in the name of the committee of Dargah Hazrath Burhanuddin Shah Yakub Shah R.A., situated in Goverdhanagiri village, Raghunathapalli Mandal, Warangal District as illegal, arbitrary, malafide, violative of various provisions of Wakf Act and also not valid in the eye of law and consequently direct the respondents 1 to 3 to take necessary action in accordance with law against the respondent 4 to 6 after due enquiry under Section 71 of the Wakf Act.

Counsel for the Petitioner: Mr. S.A.RAZAK

Counsel for the Respondent No.1: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

Counsel for thed Respondents 4,5 & 6 : Mr. A.Narendra.

Counsel for the Respondent No.7 : Mr. M.J.Ghori.

The Court made the following:

ORDER:

This Writ Petition is filed seeking a writ or direction more particularly one in the nature of Writ of Mandamus declaring the self styled committee of respondent Nos. 4 to 6 and their action in any manner in the name of the committee of Dargah Hazrath Burhanuddin Shah Yakub Shah R.A., situated in Goverdhanagiri village, Raghunathapalli Mandal, Warangal District, as illegal, arbitrary, malafide and violative of various provisions of the Wakf Act, (for short, “the Act”) and also not valid in the eye of law and consequently to direct the respondents 1 to 3 to take necessary action in accordance with law against the respondent 4 to 6 after due enquiry under Section 71 of the Act.

2. This matter is concerned with praying for a suitable direction to conduct an enquiry under Section 71 of the Act. It is represented by Sri A.M.Qureshi, Standing counsel for the Wakf Board that the 1st respondent-A.P.State Wakf Board, Hyderabad is the competent authority to enquire into the matter, provided the writ petitioner approaches the 1st respondent by making appropriate application in this regard. Hence, the writ petitioner is given liberty to make application to the 1st respondent in this regard within a period of two months from the date of receipt of a copy of this order and the 1st respondent is directed to proceed further with the matter in accordance with the provisions of the Act.

3. Accordingly, the Writ Petition is disposed of. No order as to costs.

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(P.S.NARAYANA,J)

17th Februrary,2005.

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To

1. The Chief Executive Officer,

A.P.State Wakf Board,

Hyderabad,

Razack Manzil, Public Garden Road, Hyderabad.

2. The Secretary of Minority Welfare,

Government of A.P.,
Secretariat, Hyderabad.

3. The Chief Secretary, Government of A.P.,
Secretariat, Hyderabad.

4. Two CD copies